IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE GODA RAGHURAM
WRIT PETITION NO : 6751 of 2004

Between:

The Government of Andhra Pradesh, Panchayat Raj Department, R.W.S.Division, Sangareddy, Sadasivapet, Medak District, rep., by its Executive Engineer (P.R.)

..... PETITIONER

AND

1 The Authority under Payment of Wages Act, 1936 & The Asst.Commissioner of Labour,
Sangareddy, Medak District.
2 C.Nagisetty, s/o Veersetty
c/o Shaik Dada, Working President, AP Work Charged Employees State Union,
Latha Complex, Opp.New Bus Stand, Sangareddy, Medak District-502 001
3 Papaiah
c/o Shaik Dada, Working President, AP Work Charged Employees State Union,
Latha Complex, Opp.New Bus Stand, Sangareddy, Medak District-502 001
4 T.Kasinath, s/o Narasappa,
c/o Shaik Dada, Working President, AP Work Charged Employees State Union,
Latha Complex, Opp.New Bus Stand, Sangareddy, Medak District-502 001
5 T.Nagender, s/o T.Manikyam
c/o Shaik Dada, Working President, AP Work Charged Employees State Union,
Latha Complex, Opp.New Bus Stand, Sangareddy, Medak District-502 001
6 T.Mallikarjun, s/o T.Manikyam
c/o Shaik Dada, Working President, AP Work Charged Employees State Union,
Latha Complex, Opp.New Bus Stand, Sangareddy, Medak District-502 001
7 T.Ravinder, s/o Kistappa
c/o Shaik Dada, Working President, AP Work Charged Employees State Union,

Latha Complex, Opp.New Bus Stand, Sangareddy, Medak District-502 001

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue notice call for records, and set aside the proceedings in P.W.Case No.4 of 2003 on the file of the 1st respondent i.e., the Authority Under Payment of Wages Act cum Asst.,Commissioner of Labour, Sangareddy and prohibit into proceed further with the matter by issuance of a writ of prohibition or any other appropriate writ or order or direction and pass such other relief to which the petitioner is entitled to in the circumstances of the case and to allow the writ petition with costs

For the Petitioner: M/s.P.NAGESWAR SREE, D. RAVISHANKER and A. VINAY PRASAD, Advocates.

For the Respondent No.1: GP FOR LABOUR

The Court Made the Following :

(ORAL ORDER:

The State has filed the writ petition in the nature of a Writ of Prohibition to interdict the exercise of jurisdiction by the authority under the Payment of Wages Act, 1936 (for short 'the Act') and the Assistant Commissioner of Labour, Sangareddy, Medak district, in respect of the claims preferred by the respondent Nos. 2 to 7.

The respondents No. 2 to 7 had filed a claim petition before the 1st respondent, Authority under the provisions of the Act seeking wages for the period from 01-08-2002 to 30-04-2003 contending that they are in employment since 01-04-1993 and have neither been removed or retrenched nor permitted to work by the writ petitioner herein. The writ petition is filed contending that as the respondent Nos. 2 to 7 herein are not in employment, the 1st respondent has no

jurisdiction to entertain the claim in the format presented by the said respondents and that as an annexure to the claim petition, they have stated that their wages per month are in the region of around Rs. 2,500-00, they do not fall within the class of persons who can approach the 1st respondent-authority for the reliefs claimed, within the provisions of the Act.

Insofar as the first contention is concerned, the plea of the respondent Nos. 2 to 7 herein, as set out in paragraph No.3 of the petition filed before the 1st respondent, is equivocal. There is no clearly discernable statement of fact as to their not being in current legal service of the 1st respondent. Being factually out of service may be distinct from being legally out of service and different consequences may flow from such different factual circumstances. These are areas that fall within the adjudicatory matrix of the 1st respondent subject to such adjudication being done within the limits of the jurisdiction of the 1st respondent.

The second contention regarding the monthly wages drawn by the respondent Nos. 2 to 7 and, therefore, these respondents being outside the adjudicatory ambit of the 1st respondent, is a jurisdictional fact, which could be considered by the 1st respondent within the plenitude of its jurisdiction under the provisions of the Act. If the 1st respondent comes to a conclusion on the claim of the

respondent Nos. 2 to 7 itself or on a proper argument or plea in this behalf raised by the petitioner herein that it has no jurisdiction to entertain the claim of the respondents, the 1st respondent will come to an appropriate decision. Any erroneous decision of the 1st respondent could be corrected by an appropriate process either in appeal or in judicial review. In either case, there is no patent lack of jurisdiction in the 1st respondent warranting exercise of jurisdiction by this court in Prohibition. No case for issuance of a Writ of Prohibition is, accordingly, made out. The writ petition is, therefore, dismissed. No costs.

ASSISTANT REGISTRAR

//True copy//

Section Officer

Pvks/stp

To
1 The Authority under Payment of Wages Act, 1936 & The Asst.Commissioner of Labour,
Sangareddy, Medak District.
2.2CCs to G.P. for Labour, High Court Buildings, Hyderabad (OUT).
3. 2 CD copies.
4. One spare copy.